

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:

Barry E. Disbennett  
Kimberly L. Disbennett

Debtors

Case # 16-55518  
Chapter 13  
Judge Preston

**AMENDED MOTION FOR AUTHORITY TO SELL REAL ESTATE LOCATED AT  
207 S. ASH STREET, MARYSVILLE, OHIO 43040  
FREE AND CLEAR OF ALL LIENS**

Now come the Debtors herein, by and through counsel, and hereby move the Court for leave to sell real estate located at **207 S. Ash Street, Marysville, OH 43040**, free and clear of all liens, pursuant to the provisions of *11 U.S.C. section 363, Rule 6004 and Rule 2002 of the Federal Bankruptcy Rules and Rule 6004-1 of the local Bankruptcy Rules*.

The Debtors represent that a contract for sale has been procured. The Debtors further represent as follows:

1. the Debtors' plan has been confirmed (Doc #50, 12.8.2016);
2. the address of the property being sold is: 207 S. Ash St, Marysville, OH 43040  
(see attached exhibit "A");

3. the property is not the debtors' residence;
4. the sale price is: \$110,000.00
5. the valuation of the property set forth in the schedules is: \$120,000.00

The valuation submitted pursuant to a LBR 3015 appraisal is: \$130,000.00;

The Debtors submit that the offer is fair and reasonable. The Debtors have had the property listed for sale with a realtor for more than one year. Prior to receiving the present offer, Debtors received no offers for the property. The property is in need of serious repairs to

the roof and foundation, as well as other repairs;

6. the mortgagees or lienholders in the order of their priority are:

I. Union County Treasurer - \$9,626.03 (plus per diem to date of closing);

II. Internal Revenue Service – the Internal Revenue Service is secured by the following liens in the approximate amounts of:

i. \$27,635.49 lien filed 7/20/2007 OR 754 pg 589 (re-filed 3/22/2016) Union County Ohio Recorder's Official Records;

ii. \$49,550.66 lien filed 9/27/2007 OR 754 pg 580 (re-filed 1/6/2016) Union County Ohio Recorder's Official Records;

III. State of Ohio Department of Taxation – the State of Ohio Department of Taxation is secured by a lien filed 2/11/2008 at 2008CJ0087 Union County Common Pleas Court Clerk's Office with an approximate current balance of \$8,644.81;

IV. Internal Revenue Service – the Internal Revenue Service is secured by the following liens in the approximate amounts of:

i. \$45,783.02 lien filed 5/7/2008 at OR 782 pg 469 Union County Ohio Recorder's Official Records;

7. the estimated amount of proceeds to be retained by the debtors is: \$0

8. the estimated amount of sale proceeds to be paid into the plan is: \$0

9. the plan provided for sale of the real estate;

10. the buyer, Connor Johnson, has no relationship to the debtors.

Unless otherwise directed, the closing agent shall make the disbursements at closing.

The closing agent shall forward to the trustee the closing statement and any proceeds to be paid to the Chapter 13 estate within three (3) working days after closing. The settlement statement shall show:

a. the amount paid each lienholder;

b. the amount of real estate taxes paid;

c. the name and amount paid to any realtor;

d. any deductions from the sale proceeds, with an explanation therefore;

- e. any closing costs paid;
- f. the calculation of the total deductions from the sale proceeds and the amount of the sale proceeds being paid into the plan.

The sale will be free and clear of all liens and encumbrances. The above named creditors' interests shall attach to the sale proceeds in the priority listed herein and up to the amounts reflected herein. There being no justifiable reason for delay, the Debtors seek an Order terminating the 14 day waiting as permitted by Rule 6004(h).

WHEREFORE, the Debtors respectfully demand an Order:

- 1. granting them leave to sell their real estate free and clear of all liens as provided herein;
- 2. directing that all reasonable closing costs, costs of sale, real estate taxes, deed preparation costs and associated sale costs be paid out of the sale proceeds at closing;
- 3. directing that the tax liens and other encumbrances attach to the proceeds of sale in the priority delineated herein and up to the amounts reflected;
- 4. directing that any liens or encumbrances upon the real estate be released and forever discharged;
- 5. finding that the liens and encumbrances upon the real estate attach to the sale proceeds in the order of their priority up to the extent there are funds available to pay those lienholders after payment of closing costs and expenses delineated in paragraph 2 of this section;
- 6. that the closing agent be permitted to disburse the proceeds of sale at closing in the priority reflected herein up to the proceeds available;
- 7. allowing Debtors to transfer the real estate to the buyers free and clear of all encumbrances; and,

8. that the 14 day waiting period be terminated.

/s/ Amy E. Gullifer  
Amy E. Gullifer # 0074218  
Attorney for Debtor(s)  
CANNIZZARO, BRIDGES,  
JILLISKY & STRENG, LLC  
302 South Main Street  
Marysville, Ohio 43040  
937-644-9125 (telephone no.)  
937-644-0754 (fax no.)  
bkadmin@cfbjs.com

## EXHIBIT A

FORM 566X Warranty Deed - OHIO Statutory Form  
REV. 9/76

136678



TUTTLAW REGISTERED U. S. PAT. OFFICE  
TUTTLE LAW PRINT, PUBLISHERS, RUTLAND, VT 05701

# Know all Men by these Presents

That MARGARET ANN COOK, unmarried

of County, State of Ohio, for valuable consideration paid, grant

with general warranty covenants, to BARRY E. DISBENNETT and KIM L.  
HOLLINGSHEAD

whose tax mailing address is 303 West Sixth Street, Marysville, Ohio 43040

the following real property:

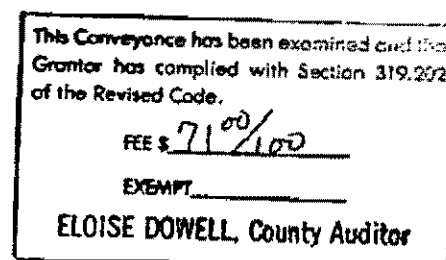
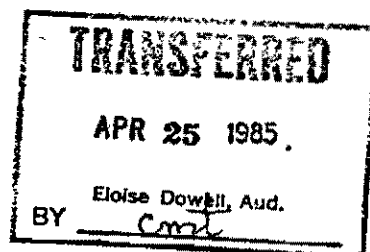
Real estate situated in the County of Union, in the State of Ohio,  
and in the City of Marysville, and bounded and described as follows:

Beginning at the intersection of the line marking the South margin  
of Sixth Street, and in the line marking the West margin of Ash  
Street; thence west with said line of Sixth Street four poles; thence  
South parallel with said Ash Street ten rods, more or less, to an  
alley; thence East with the North side of said alley four rods to the  
West margin of said Ash Street; thence North with said line to the  
place of beginning, and including all of In-Lot #162, except so much  
as has been taken for said Ash Street.

EXCEPTING THEREFROM the following real estate:

Being 63 feet in width off the south end of Lot No. 162 in the Western  
Addition to the City of Marysville. The premises herein conveyed  
having a frontage of 63 feet on Ash Street and a depth of 66 feet.  
Refer to the plat of the Western Addition to Marysville, in Vol. of  
Deeds No. 110, page 623, and also the proceedings in the renumbering  
of the lots of said Village of Marysville in Plat Book No. 1, Page  
15. Also refer to the ordinance passed by the Village of Marysville  
on April 29, 1878, opening Ash Street, and appropriating land for  
the same.

EXCEPT FOR EASEMENT AND RESTRICTIONS OF RECORD  
AND REAL ESTATE TAXES FOR THE YEAR 1985.



Prior Instrument Reference: Volume 243 Page 478  
wifer husband of the grantor, releases all rights of dower therein.

Witness my hand this 19 day of April 19 85.

Signed and acknowledged in presence of

*Louis E. Hollingshead*  
*Kim L. Hollingshead*

*X Margaret Ann Cook*  
MARGARET ANN COOK

Florida  
State of ~~Ohio~~ } ss. Before me, a Notary Public  
Lee County, } in and for said County and State, personally appeared the above named  
MARGARET ANN COOK, unmarried,

who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at this day of April, Florida  
A. D. 19 85  
*Guy Huelco*  
Notary Public 1-16-85

State of } ss. Before me, a  
County, } in and for said County and State, personally appeared the above  
named

who acknowledged that did sign the foregoing instrument and that the same is free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at this day of  
A. D. 19

This instrument prepared by ALLEN, HOWARD & YURASEK, Attorneys at Law

Warranty Deed

MARGARET ANN COOK,  
unmarried,

TO

BARRY E. DISBENNETT &  
KIM L. HOLLINGSHEAD

Transferred April 19 85

COUNTY AUDITOR

BETTY J. POLING  
RECORDER, UNION COL. CO.  
1985 APR 25 PM 3:55  
VOL 295 PAGE 15  
10.00

ALLEN, HOWARD & YURASEK  
ATTORNEYS AT LAW  
233 WEST FIFTH STREET  
P. O. BOX 301  
MARYSVILLE, OHIO 43040

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:

Barry E. Disbennett  
Kimberly L. Disbennett  
Debtors

Case # 16-55518  
Chapter 13  
Judge Preston

**NOTICE OF MOTION or OBJECTION**

**Barry E. Disbennett and Kimberly L. Disbennett**, the Debtors herein, have filed papers with the Court on a **AMENDED MOTION FOR AUTHORITY TO SELL REAL ESTATE LOCATED AT 207 S. ASH STREET, MARYSVILLE, OHIO 43040 FREE AND CLEAR OF ALL LIENS.**

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Debtor's motion, or if you want the Court to consider your views on the motion, then on or before 21 days after the date of service contained in the Certificate of Service, you or your attorney must file a written response to the motion, explaining your position, at:

United States Bankruptcy Court Clerk  
170 N. High Street  
Columbus, Ohio 43215

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before time expires for filing the response.

You must also mail a copy to:

Amy E. Gullifer, Attorney at Law  
302 S. Main Street  
Marysville, OH 43040

Frank M. Pees, Chapter 13 Trustee  
130 E. Wilson Bridge Rd #130  
Worthington, OH 43085

US Trustee's Office  
170 N. High Street #200  
Columbus, OH 43215

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting that relief.

Date: December 22, 2016

/s/ Amy E. Gullifer  
Amy E. Gullifer # 0074218  
302 South Main Street  
Marysville, OH 43040

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
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Debtors

Case # 16-55518  
Chapter 13  
Judge Preston

**NOTICE AND CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing attached pleading was served this date on the parties whose names and addresses are listed below as and for NOTICE that the attached pleading has been filed. Pursuant to Rule 2002(a)(6), the undersigned will present to the court a proposed order granting the relief sought unless within twenty-one (21) days after this date a written memorandum in opposition, along with a request for hearing on such opposition, is filed with the Court and served on the undersigned.

Date: December 22, 2016

/s/ Amy E. Gullifer  
Amy E. Gullifer # 0074218  
Attorney for Debtor(s)  
CANNIZZARO, BRIDGES,  
JILLISKY & STRENG, LLC  
302 South Main Street  
Marysville, Ohio 43040  
937-644-9125 (telephone no.)  
937-644-0754 (fax no.)  
bkadmin@cfbjs.com

Names and Addresses of Parties Served:

**ECF service to:**

Frank Pees, Chapter 13 Trustee  
U.S. Trustees Office

**Ordinary U.S. mail service to:**

Barry & Kimberly Disbennett, 206 N. Maple Street, Marysville, OH 43040;  
And all Creditors and Parties in Interest on the attached matrix

Label Matrix for local noticing

0648-2

Case 2:16-bk-55518

Southern District of Ohio

Columbus

Thu Dec 22 15:03:20 EST 2016

Bank Of America

Nc4-105-03-14

Po Box 26012

Greensboro, NC 27420-6012

CORPATH

P.O. Box 636042, Dept 6042

Cincinnati, OH 45263-6042

City of Marysville - City Attorney

209 S. Main Street

Marysville, OH 43040-1553

Columbus Financial

3050 E Main St

Columbus, OH 43209-3706

Barry E Disbennett

206 N Maple St

Marysville, OH 43040-5003

Erin Marie Dooley

The Law Office of Charles Mifsud, LLC

6305 Emerald Parkway

Dublin, OH 43016-3241

Fashion Bug

c/o Comenity Bank

PO Box 182273

Columbus, OH 43218-2273

General Audit Corp

P.O. Box 1568

Lima, OH 45802-1568

Amy Elizabeth Gullifer

Cannizzaro, Bridges, Jillisky & Streng

302 S. Main Street

Marysville, OH 43040-1556

(P)AMERICACOLLECT INC

PO BOX 2080

MANITOWOC WI 54221-2080

Bank of NY Mellon

7360 S Kyrene Rd

Tempe, AZ 85283-8432

Central Ohio Pathology Associates

P.O. Box 951427

Cleveland, OH 44193-0016

City of Marysville Income Tax Division

PO Box 385

Marysville, OH 43040-0385

Columbus Surgical Specialists

3555 Olentangy River Rd.

Columbus, OH 43214-5901

Kimberly L Disbennett

206 N Maple St

Marysville, OH 43040-5003

Dublin Methodist Hospital

PO Box 182561

Columbus, OH 43218-2561

Fifth Third Bank

Fifth Third Bank Bankruptcy Department,

1830 E Paris Ave Se

Grand Rapids, MI 49546-6253

George Gusses, Co. LPA

33 S. Huron St

Toledo, OH 43604-8705

Internal Revenue Service

P O Box 7346

Philadelphia, PA 19101-7346

Asst US Trustee (Col)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

Bradley, Bryan A. MD

122 Professional Pkwy

Marysville, OH 43040-8053

(p)CHOICE RECOVERY INC

1550 OLD HENDERSON ROAD

STE 100

COLUMBUS OH 43220-3662

City of Marysville Tax Dept

209 S. Main Street

Marysville, OH 43040-1553

Convergent Outsourcing

800 SW 39th St

P.O. Box 9004

Renton, WA 98057-9004

Ditech

Attn: Bankruptcy

PO Box 6172

Rapid City, SD 57709-6172

FBCS

330 S Warminster Rd

Hatboro, PA 19040-3433

First Credit Inc

PO Box 89458

Cleveland, OH 44101-6458

Brian M Gianangeli

6305 Emerald Parkway

Dublin, OH 43016-3241

Keybridge Collections

PO Box 1568

Lima, OH 45802-1568

LabCorp

P.O. Box 2240

Burlington, NC 27216-2240

MaternOhio Clinical Associates

PO Box 712353

Cincinnati, OH 45271-2353

737 Enterprise Dr

Westerville, OH 43081

Medicredit Corp/Outsource Group

Attn: Bankruptcy

Three City Place Dr Ste. 690

St Louis, MO 63141-7089

Memorial Hospital

PO Box 951106

Cleveland, OH 44193-0005

Memorial Internal Medicine

660 London Ave

Marysville, OH 43040-1515

MidOhio Radiology

90 Village Pointe Drive

Powell, OH 43065-7207

Midwest Physician Anesthesia Service

5151 Reed Road Ste 225-c

Columbus, OH 43220-2553

Minute Clinic of Ohio

PO Box 8427

Belfast, ME 04915-8427

Mt. Carmel Health

P.O. Box 182039 Dept 0064

Columbus, OH 43218-2039

OSU Physicians

P.O. Box 740727

Cincinnati, OH 45274-0727

OSU Wexner Medical Center- Patient Accts

PO Box 183102

Columbus, OH 43218-3102

Ohio Department of Taxation

Bankruptcy Division

P.O. Box 530

Columbus, OH 43216-0530

Ohio ENT Surgeons

500 Thomas La #4A

Columbus, OH 43214-1419

Ohio Health Physticians Group

3535 Olentangy River Rd

Columbus, OH 43214-3908

Pcb

Po Box 2051

New Albany, OH 43054-2051

Frank M Pees

130 East Wilson Bridge Road

Suite 200

Worthington, OH 43085-2391

Phoenix Financial Services LLC

PO Box 26580

Indianapolis, IN 46226-0580

Riverside Hospital

P.O. Box 182141

Columbus, OH 43218-2141

St. Ann's Hospital

500 Cleveland Ave

Westerville, OH 43081-8998

State of Ohio Attorney General's Office

Revenue Recovery Divison

150 East Gay St., 21st Fl.

Columbus, OH 43215-3191

State of Ohio Department of Taxation

Attn: Bankruptcy Division

P.O. Box 530

Columbus, OH 43266-0030

Synch/HH Gregg

Po Box 965060

Orlando, FL 32896-5060

Synchrony Bank/ JC Penneys

Po Box 965064

Orlando, FL 32896-5064

The HMC Group

29065 Clelms Rd Suite 200

Westlake, OH 44145-1179

Tim Aslaner, City Law Director

209 S. Main St

Marysville, OH 43040-1553

U.S. Attorney General's Office

303 Marconi Blvd #200

Columbus, OH 43215-2326

U.S. Attorney General's Office

Main Justice Bldg Room 5111

10th &amp; Constitution Ave NW

Washington, DC 20530-0001

Union County Treasurer

P.O.Box 420

Marysville, OH 43040-0420

United Collection Bureau

5620 South Wyck Blvd #206

Toledo, OH 43614-1501

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Americollect Inc  
PO Box 1566  
Manitowoc, WI 54221

Choice Recovery  
1550 Old Henderson Rd #8100  
Columbus, OH 43220

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ohio Department of Taxation

End of Label Matrix	
Mailable recipients	59
Bypassed recipients	1
Total	60